

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

UNITED STATES OF AMERICA

v.

2:07CR45

LUIS ALBERTO JIMINEZ-CASTILLO

Defendant.

REPORT AND RECOMMENDATION  
CONCERNING GUILTY PLEA

Defendant, by consent, has appeared before the undersigned pursuant to Rule 11, Federal Rules of Criminal Procedure, and referral from a United States District Judge and has entered a guilty plea to possession of a firearm by an illegal alien, in violation of 18 U.S.C. § 922(g). On March 22, 2007, defendant appeared before the Court for the purpose of entering his guilty plea. Defendant was represented by appointed counsel, Keith Kimball, Esquire.

Defendant was appropriate in appearance, responsive, and competently prepared for the hearing. He answered all questions put to him in clear and concise language. On those occasions when he had a question, defendant consulted with counsel and then promptly answered. Defendant was courteous and appropriate in his behavior at all times and clearly understood the seriousness of his position. At the close of the proceeding, defendant was remanded to the custody of the United States Marshal, pending completion of a presentence report.

Defendant is twenty-seven years of age, attended three years of high school in Mexico, and speaks Spanish as his native language. He expressed no problem with the interpreter and appeared to understand the entire proceeding. There was no evidence that defendant was on drugs,

alcohol, or medication which might impair his judgment. He was cooperative throughout the proceeding.

Defendant entered his guilty plea without a plea agreement. However, the Court is completely satisfied, based upon defendant's responses, that he fully appreciates his position. Furthermore, he acknowledged that the statement of facts prepared in anticipation of his plea accurately reflects the government's evidence, in the event of trial.

After cautioning and examining defendant under oath concerning each of the subjects mentioned in Rule 11, the Court determined that the offense charged is supported by independent facts, establishing each of the essential elements of such offense. Therefore, the Court recommends that the guilty plea be accepted and that defendant be adjudged guilty and have sentence imposed accordingly.

Failure to file written objections to this report and recommendation within ten days from the date of its service shall bar an aggrieved party from attacking such report and recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

/s/  
\_\_\_\_\_  
James E. Bradberry  
United States Magistrate Judge

Norfolk, Virginia

March 28, 2007

Clerk's Mailing Certificate

A copy of the foregoing Report was mailed this date to each of the following:

Keith L. Kimball, Esquire  
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Fernando Galindo, Acting Clerk

By \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_, 2007